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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,486	11/03/2000	Joseph Gendler	72167.000166	7644

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EXAMINER

JARRETT, SCOTT L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,486

Applicant(s)

GENDLER, JOSEPH

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This **Final** Office Action is responsive to Applicant's amendment filed April 18, 2005. Applicant's amendment of April 18, 2005 canceled claims 1-67 and added new claims 68-103. Currently claims 68-103 are pending.

Response to Amendment

2. Applicant's amendment filed on April 18, 2005 with respect to canceled claims 1-67 and new claims 68-103 necessitated new ground(s) of rejection.

Response to Arguments

3. Applicant's arguments with respect to canceled claims 1-67 and new claims 68-103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 92 is objected to because of the following informalities: the acronym "RFA" is used instead of the intended series of words it is meant to represent. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 92 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 92 the disclosure does not clearly define the acronym "RFA". The acronym RFA as claimed can be interpreted in a plurality of ways including but not limited to: request for assistance, request for approval, request for authorization or any of a plurality of series of words thereby making the term RFA as claimed vague and indefinite.

Examiner interpreted RFA to mean any of the definitions discussed above.

6. Claim 83 recites the limitation "...each builder..." in 68. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

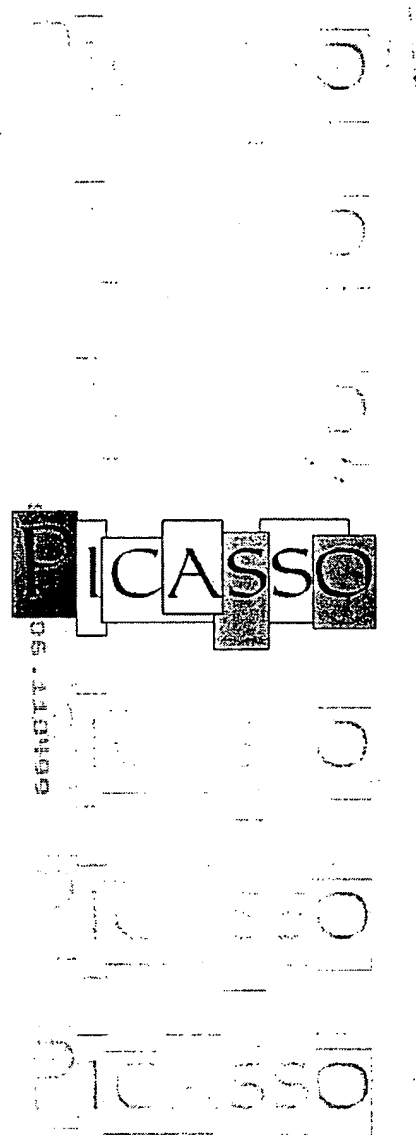
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 68-103 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

Regarding Claims 68-103 applicants Provisional Application No. 60/163506, filed November 4, 1999, teaches a Picasso Automated Project Management System, (*User Guide September 1998 Release 1*, emphasis added and as shown in Figure 1 below), for managing a project's funding approval process.

The User Guide teaches that the Picasso product was in public use and/or on sale one year prior to the filed provisional application ("September 1998 Release 1", the remainder of the User Guide having dates ranging from August 26, 1996 to February 12, 1997); user guides inherently being developed and released to users of a system (product, service, etc.) as a condition of public sale and/or use.



**CBS
Facilities
Management**

*PICASSO Automated
Project Management System*

**Facilities
User
Guide**

Emphasis added

**September 1998
Release 1**

Figure 1: Picasso Automated Project Management System User Guide, Application No. 60/163506

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 68-76, 78, 80-81, 83, 90-92, 97-100 and 102 are rejected under 35 U.S.C. 102(e) as being anticipated by Casto, U.S. Patent No. 6,038,547.

Regarding Claims 68-70, 75, 91, 97-100 and 102 Casto teaches a construction project management system and method comprising the coordination of work done on a project and the electronic receipt (applications for payment, invoices, requests for payments, AIAA G702/703 forms), review, approval and payment of project work completed by a plurality of vendors (contractors, subcontractors; Abstract; Column 2, Lines 65-68; Column 3, Lines 1-30).

More specifically Casto teaches a method and system for managing a project (work, effort, activity, initiative, product, service, etc.) comprising:

- establishing a database (Column 5, Lines 17-27);
- workstations (terminals, devices, handheld computers, etc.) connected via a network (Column 6, Lines 25-63);

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- providing funding (financial) approval associated with a project wherein the approval is associated with one or more project documents (e.g. AIA G702/703, Application and Certificate for Payment) maintained in the system/database (Abstract; Figures 1-2B);

- vendor (contractor, subcontractor, supplier, business entity, user, etc.) access to the database (Column 4, Lines 11-33; Column 5, Lines 47-52);

- vendor submitting (entering, inputting, providing, uploading, sending, etc.) project information electronically (Column 5, Lines 46-54);

- vendor determining that funding approval for the project has been secured (i.e. the project's funding has been approved) by accessing the project documents (e.g. receipt of AIA G702 – certificate of payment; Figures 2A-2B);

- transferring monetary funds to the vendor after a predetermined (predefined, agreed to) event has occurred (completion of a portion of a project, milestone, date, invoice, etc.; Column 6, Lines 20-24);

- the project is a construction project (Abstract; Title); and

- vendor (contractor, builder, subcontractor, etc.) is a construction entity (Abstract).

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APPLICATION AND CERTIFICATE FOR PAYMENT		AIA DOCUMENT G702	
TO OWNER	PROJECT 4	APPLICATION NO. 3	DISTRIBUTION TO
Nash Partnership	New Office Construction	PERIOD TO 06/25/1997	[] OWNER
333 Maple St.		PROJECT NOS.	[] ARCHITECT
Arlington, VA 22207		CONTRACT DATE	[] CONTRACTOR
FROM CONTRACTOR	VA ARCHITECT	03/24/1997	[]
Joplin Concrete Co.	Stills and Associates,	97-001-01	[]
	222 Ehn St.		
	Arlington, VA 22207		
CONTRACTOR			
New Office Construction			
CONTRACTOR'S APPLICATION FOR PAYMENT		CERTIFICATION	
1 ORIGINAL CONTRACT SUM	\$ 95,000.00		
2 Net Change by Change Orders	\$ 1,000.00		
3 CONTRACT SUM TO DATE (Line 1-2)	\$ 96,000.00	By _____	Date _____
4 TOTAL COMPLETED & STORED TO DATE (Column G on G705)	\$ 40,746.00	State of: _____ County of: _____ Subscribed and sworn to before me this _____ day of _____	
		Notary Public My Commission Expires: _____	

FIG. 1A (CONTINUED TO FIG. 1B)

Figure 2: Casto, Figure 1A

(CONTINUED FROM FIG. 1A)

5 RETAINAGE:		
a. _____ % of Completed Work	\$ 4,074.60	
(Columns D & E on G703)		
b. _____ % of Stored Material	\$ 860.00	
(Columns F on G703)		
Total Retainage (Line 5a & 5b or Total in Column 1 of G703)	\$ 4,934.60	
6 TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$ 35,811.40	ARCHITECT'S CERTIFICATE FOR PAYMENT
7 LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 14,092.20	CERTIFICATION
8 CURRENT PAYMENT DUE	\$ 21,719.00	
9 BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 60,188.60	AMOUNT CERTIFIED \$ _____

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes previous months	0.00	0.00
Total approved this Month	1,000.00	0.00
TOTALS	1,000.00	0.00
NET CHANGES by Change Order	1,000.00	

By: _____ Date: _____

FIG. 1B

Figure 3: Casto, Figure 1B

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CONTINUATION SHEET AIA DOCUMENT G703									
					APPLICATION NO. 3 APPLICATION DATE: 06/11/1997 PERIOD TO: 06/25/1997 ARCHITECT'S PROJECT NO: 06/25/1997				
A	B	C	D		E	F	G	H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D,E,F)	%	BALANCE TO FINISH (C-G)	RETAINAGE (OF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D,E)	THIS PERIOD					
	99999-CHANGE ORDER	1,000.00	1,000.00	0.00	0.00	1,000.00	100.00	0.00	100.00
	03100-CONCRETE FORMS AND ACCESSORIES	10,000.00	6,900.00	100.00	100.00	7,100.00	71.00	2,900.00	710.00
	03100-CONCRETE FORMS AND ACCESSORIES	10,000.00	3,100.00	250.00	150.00	3,500.00	35.00	6,500.00	350.00
	03100-CONCRETE FORMS AND ACCESSORIES	10,000.00	5,456.00	200.00	100.00	5,756.00	57.56	4,244.00	575.60
	03100-CONCRETE FORMS AND ACCESSORIES	10,000.00	2,985.00	115.00	100.00	3,200.00	32.00	6,800.00	320.00
	03300-CAST-IN-PLACE CONCRETE	20,000.00	5,123.00	100.00	150.00	5,373.00	26.86	14,627.00	537.30
	03300-CAST-IN-PLACE CONCRETE	15,000.00	3,567.00	290.00	110.00	3,967.00	26.44	11,033.00	396.70
	03300-CAST-IN-PLACE CONCRETE	10,000.00	4,678.00	122.00	100.00	4,900.00	49.00	5,100.00	490.00
	03300-CAST-IN-PLACE CONCRETE	10,000.00	5,765.00	135.00	50.00	5,950.00	59.50	4,050.00	595.00
		96,000.00	38,574.00	1,312.00	860.00	40,746.00		55,254.00	4,074.60

FIG. 2

Figure 4: Casto, Figure 2

Casto further teaches that the project management system and method utilizes a plurality of well known and widely used American Institute of Architects (AIA) documents (forms, processes, procedures) related to construction projects including but not limited to the following (Column 1, Lines 34-68; Column 2, Lines 1-63; Column 6, Lines 19-22; Figures 1-2B):

- AIA contractor form G702 Application for Payment is a form with which the contractor can apply for payment and the architect (project manager) can certify payment is due;
- AIA document G702 requires the contractor to show the status of the contract sum to date, including the total dollar amount of the work completed and stored to date,

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the amount of retainage (if any), the total of previous payments, a summary of change orders and the amount of current payment requested; and

- AIA contractor form G703 Continuation Sheet for G702 breaks the contract sum into portions of the work in accordance with a schedule of values required by the general conditions. It serves as both the contractor's application and the architect's (project managers) certification, and its use can expedite payment and reduce the possibility of error. If the G703 Continuation Sheet application is properly completed and acceptable to the architect, the architect's signature certifies to the owner (business, client, etc.) that a payment in the amount indicated is due to the contractor (vendor, subcontractor, etc.). The form also allows the architect to certify an amount different than the amount applied for when the architect provides explanation.

Regarding Claims 71-72 Casto teaches a method and system for managing a construction project wherein upon the completion of a portion of a project (milestone, predetermined event, deliverable, work, etc.) the vendor submits an invoice electronically (e.g. AIA G702/703; Column 5, Lines 46-68; Column 6, Lines 1-24; Figures 1-2B).

Regarding Claim 73 Casto teaches a construction project management system and method wherein payment of the invoice (certification, approval) goes through a validation (approval, verification, review, etc.) process against portions of a project

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contract (agreement, project plan, plan, etc.; Column 2, Lines 1-3; Column 5, Lines 46-68; Column 6, Lines 1-14).

Regarding Claim 74 Casto teaches that the construction project management system and method enables users to “log on” and utilizes well known technologies including but not limited to SHTTP (secure hyper text protocol), database management systems (Oracle, Sybase) and Java Column 5, Lines 20-35; Column 6, Lines 31-35).

Regarding Claims 76 and 78 Casto teaches a construction project management system and method wherein:

- vendor approval determination is based on the vendor's review of a purchase order (e.g. Application and Certification of Payment, AIA G702/703) stored as part of the project documentation (Column 5, Lines 46-68; Column 6, Lines 1-25; Figures 2A-2B); and
- purchase order is issued electronically (Column 5, Lines 46-68).

Regarding Claim 80 Casto teaches that the construction project management system and method further comprises providing a contract to a vendor, as part of the project's documentation, wherein the contract defines tasks to be performed by the vendor (Column 1, Lines 34-55; Column 5, Lines 36-68; Column 6, Lines 1-12).

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Regarding Claim 81 Casto teaches a construction project management system and method wherein the contract (agreement, statement of work, work orders, plan, etc.) provides for the issuance of change orders by a project manager (e.g. changes to G703; Column 1, Lines 55-65; Column 3, Lines 27-31; Figure 2).

Regarding Claim 83 Casto teaches a construction project management system and method further comprising obtaining an invoice (request for payment, bill; AIA G702) from each builder (vendor, contractor, subcontractor, etc.) once the builder's respective portion of the project is completed (Column 3, Lines 19-23; Column 5, Lines 26-54).

Regarding claim 90 Casto teaches a project management system and method teach further comprising the solicitation of work from vendors (request for quote, request for proposal, bids, bidding process, etc.; Column 4, Lines 26-32).

Regarding Claims 92 Casto teaches a construction project management system and method wherein the project information can be associated with (segmented, aggregated, presented, listed, grouped, etc.) by project, region, contractor/subcontractor (vendor) and the like (Column 3, Lines 5-31).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 77, 84 and 94-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casto, U.S. Patent No. 6,038,547 as applied to claims 68-76, 78, 80-81, 83, 90-92, 97-100 and 102 above.

Regarding Claim 77 Casto teaches a construction project management system and method wherein the system utilizes electronic funds transfers to pay vendors (contractors, subcontractors, etc.) for project work completed (Column 6, Lines 19-24).

Casto does not expressly teach that contractors/vendors review payment confirmations via the system.

Official notice is taken that the ability to review/confirm electronic funds transfers is old and very well known in the art wherein the confirmation of payment is an essential component for electronic funds transfers for without such confirmations the paid party would not be able to confirm receipt of the payment prior to resuming work, providing a product/service of the like.

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its ability to electronically receive, review, approve and pay purchase orders (requests for funding, invoices, bills, etc.), as taught by Casto would have benefited from enabling vendors to confirm receipt of payment (e.g. wire fund transfer confirmation) through the system in view of official notice; the resultant system providing confirmation of the receipt of funds from the project manager (architect, client, owner, etc.) to the subcontractor.

Regarding Claim 84 Casto teaches a construction project management system and method wherein projects are uniquely identified in the database (Column 5, Lines 40-43). Casto further teaches the utilization of well know database management systems (programs, Oracle, Sybase; etc.) which inherently store information in tables that are index/accessed using a unique key (number, alphanumeric sequence, one or more fields).

While Casto teaches the unique identification of projects and project documents Casto does not expressly teach assigning a project number as claimed.

Official notice is taken that assigning project numbers to projects for the purpose of uniquely identifying a project and its related information/documents is old and very well known and provides the ability for individuals and systems to differentiate/uniquely

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identify individual projects for the purposes of reporting, accounting, project management and the like.

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its ability to identify projects, would have benefited from identifying projects and associated project information (collection of documents) utilizing project numbers; the resultant system being capable of uniquely and readily identifying a plurality of project and their related information for the purposes of accounting and/or reporting.

Regarding Claims 94-95 Casto teaches a construction management system and method wherein the system enables bidding, i.e. supports bidding and the processing (Column 4, Lines 26-32).

Casto does not expressly teach the specifics of the bid processing supported by the construction management system.

Official notice is taken that evaluating bids (an offer extended by a vendor, contractor, supplier, etc.) is old and well known in the art and represents one step in the bidding process that ultimately leads to the selection/approval/acceptance of a bid for a project.

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It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its support of the project bidding process, would have provided a plurality of well known features/support for the plurality of well known steps in the bidding process including but not limited to the evaluation of offers/bids by vendors by project managers (architects); the resultant system enabling architects to select the vendor meeting the project's requirements.

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13. Claims 79, 82, 85-89, 93, 96, 101 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casto, U.S. Patent No. 6,038,547 as applied to claims 68-78, 80-81, 83-84, 90-92, 94-95, 97-100 and 102 above and further in view of Schuyler et al., U.S. Patent No. 6,832,202.

Regarding Claim 79 teach Casto teaches a construction project management system and method wherein:

- vendor approval determination is based on the vendor's review of a purchase order (e.g. Application and Certification of Payment, AIA G702/703) stored as part of the project documentation (Column 5, Lines 46-68; Column 6, Lines 1-25; Figures 2A-2B); and
- purchase order is issued electronically (Column 5, Lines 46-68).

Casto does not expressly teach the notification of a project manager (architect, approver, reviewer, etc) when a purchase order has been sent to a vendor.

Schuyler et al. teach routing requests for approvals (e.g. purchase requests) to reviewers/approvers and notifying users of the status/progress of request (Column 7, Lines 27-32; Column 10, Lines 10-12), in an analogous art of project administration and management, for the purposes of notifying the requestor of the funding approval or other related entities/systems of the status of the approval (Column 8, Lines 42-49).

More generally Schuyler et al. teach a system and method for routing requests for authorizations (RFAs) for approval (e.g. approval for funding, expenses, applications, work assignments, etc.) wherein the approval process is defined as a workflow. Schuyler et al. teach requests for approvals are routed based on an approval process that includes but is not limited to a series of approvers, hierarchy of approvers (Column 1, Lines 28-32), contract rules (Column 1, Lines 58-62) and the like (Abstract; Column 1, Lines 55-68; Column 2, Lines 6-36; Column 3, Lines 59-68; Figures 2A-2B).

Schuyler et al. further teaches that the system and method for managing requests for approvals stores a plurality of documents associated with each request in a database (Column 5, Lines 6-62; Figure 1), provides user notification of request status (rejection, acceptance, etc.; Column 8, Lines 45-48) and enables users to access approval information over a computer network (Column 7, Lines 38-42).

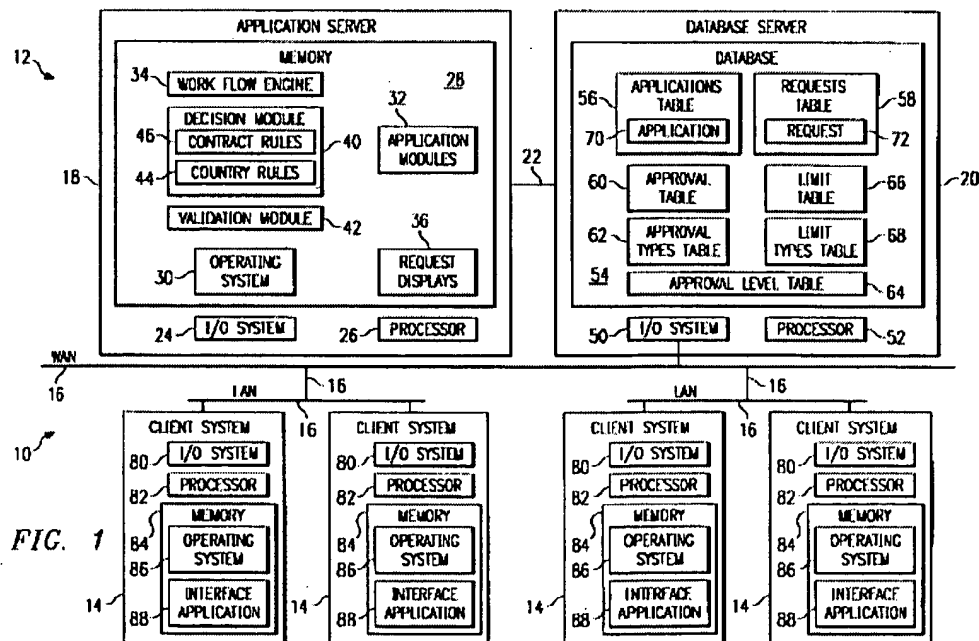


Figure 5: Schuyler et al., Figure 1

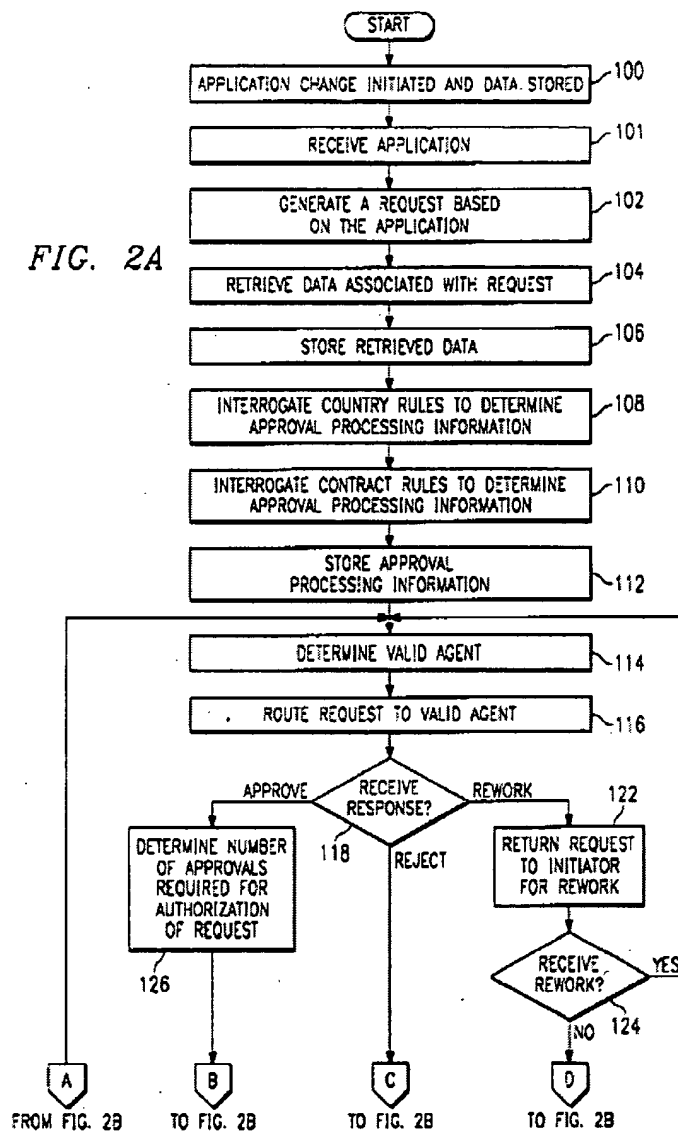


Figure 6: Schuyler et al., Figure 2A

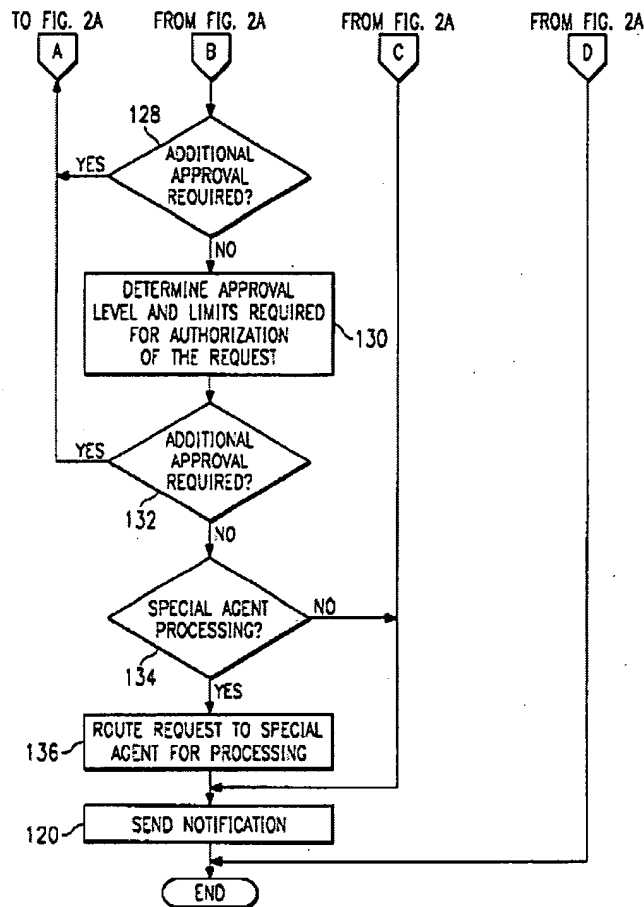


FIG. 2B

Figure 7: Schuyler et al., Figure 2B

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its automation of the receipt, review, approval and payment for completed work, as taught by Casto would have benefited from enhancing its certification/funding approval process by utilizing the ability to route funding approvals (e.g. AIA G702/703) to the appropriate approvers/reviewers as well as notifying project managers and/or vendors of the approval process status/progress in view of the teachings of Schuyler et al.; the

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resultant system providing a substantially automated and robust funding approval process (Schuyler et al.: Column 1, Lines 40-45) and provided updated status information to the requestor or other related to the request for funding approval (Column 8, Lines 42-46).

Regarding Claims 82 and 93 Casto teaches a construction project management system and method wherein the project information can be segmented (aggregated, presented, listed, grouped, etc.) by project, region, contractor/subcontractor (vendor) and the like (Column 3, Lines 5-31). Casto further teaches users access project information/documents as part of the review/approval process as discussed above.

Casto does not expressly teach that the construction project management system and method provides a list of all projects associated the system and method provides a list of all projects associated with a particular user, each project having an associated collection of documents.

Schuyler et al. teach a workflow subsystem that utilizes well known and commercially available workflow engines (systems) such as SAP R/3 (Column 4, Lines 1-5).

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its automation of

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the receipt, review, approval and payment for completed work, as taught by Casto would have benefited from enhancing its certification/funding approval process by utilizing the ability to route funding approvals (e.g. AIA G702/703) to the appropriate approvers/reviewers as well as notifying project managers and/or vendors of the approval process status/progress in view of the teachings of Schuyler et al.; the resultant system providing a substantially automated and robust funding approval process (Schuyler et al.: Column 1, Lines 40-45).

Schuyler et al. is silent on the specific features/functionality afforded to the system and method by its utilization of well known and commercially available workflow systems (e.g. SAP), specifically Schuyler et al. does not teach that the system lists all projects associated with a particular user or enables user to access all project information/documents associated with each project for each user as claimed.

Official notice is taken that the listing of projects (deliverables, tasks, etc.) associated with a particular user is old and well known in the art of workflow management and provides users with a list of projects (activities, processes, etc.) they are associated with and/or responsible for. Further it is old and well known that workflow systems enable users to access all project information/documents related to the projects they are assigned to/working on.

It would have been obvious to one skilled in the art at the time of the invention that the construction management system and method, with its ability to utilization of well known and commercially available workflow engine to manage a substantially automated funding approval process, as taught by the combination of Casto and Schuyler et al. would have benefited from providing users of the system with a plurality of common workflow capabilities/features including but not limited to the ability to display/provide users with a list of projects and access to project information for projects they are working on; the resultant system enabling user's to more efficiently review/view/access the plurality of project information relevant to their work/responsibilities.

Regarding Claim 85 Casto does not expressly teach that the funding approval is part of a request for assistance (request for funding, application for funding/project, request for help, project bid, request for information, request for proposal, etc.) initiated (requested) by a client (user, customer, consumer, business, etc.) as claimed.

Schuyler et al. teach that the funding approval (expense request, purchase request, etc.) is part of an application (request for assistance, request for approval) that is initiated by a client (Column 1, Lines 39-45).

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its ability to approve

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funding requests from vendors (contractors) for a client's construction project, as taught by Casto would have benefited from associating/identifying the request for funding approval with a client's application (request for approval, request for authorization, etc.) in view of the teachings of Schuyler et al.; the resultant system providing a substantially automated and robust funding approval process for a client's project (Schuyler et al.: Column 1, Lines 40-45).

Regarding Claims 86-89 Casto teaches a construction management system and method wherein funding approval (Application and Certificate of Payment) utilizes a review and approval (certification) process as discussed above.

Casto does not expressly teach that the construction project management approval process comprises a series of approvers or the return (rejection) of a request to the previous reviewer/approval or requestor.

Schuyler et al. teach an approval process wherein the funding approval is processed using an approval process (method, series of steps, system, approach, etc.), in an analogous art of project administration and management, for the purposes of approving requests for authorizations the system comprising:

- series (successive) of approvers (Column 1, Lines 55-68; Column 4, Lines 60-65);

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- approver returns funding approval to previous approver (not the requester; Column 8, Lines 39-68; Figures 2A-2B); and
- approver returns funding approval to the requestor and previous approver (Column 8, Lines 39-68);

for the purposes of improving the approval process (workflow) by automating manual tasks (Column 1, Lines 40-45).

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its automation of the receipt, review, approval and payment for completed work, as taught by Casto would have benefited from enhancing its certification/funding approval process by utilizing the ability to route funding approvals (e.g. AIA G702/703) through a series of approvers/reviewers based on a plurality of rules (contract, monetary, hierarchy, etc.) in view of the teachings of Schuyler et al.; the resultant system providing a substantially automated and robust funding approval process (Schuyler et al.: Column 1, Lines 40-45).

Regarding Claim 96 Casto does not expressly that the project funding approval is effected by client (business) hierarchy as claimed.

Schuyler et al. teach that an organization hierarchy effects funding approval, in an analogous art of project administration and management, for the purposes of routing

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the approval to the appropriate reviewer/approval of the funding request who is at an appropriate (desired, required) level in the organization (hierarchy; Column 1, Lines 28-32 and 61-64).

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its automation of the receipt, review, approval and payment for completed work, as taught by Casto would have benefited from enhancing its certification/funding approval process by utilizing the ability to route funding approvals (e.g. AIA G702/703) through a plurality of approvers/reviewers based on a plurality of rules including but not limited to approval level requirements (hierarchical) in view of the teachings of Schuyler et al.; the resultant system providing a substantially automated and robust funding approval process (Schuyler et al.: Column 1, Lines 40-45).

Regarding Claim 101 Casto teaches a construction project management system and method for managing a project comprising:

- establishing a database (Column 5, Lines 17-27);
- providing funding (financial) approval associated with a project wherein the approval is associated with one or more project documents (e.g. AIA G702/703, Application and Certificate for Payment) maintained in the system/database (Abstract; Figures 1-2B);

- vendor (contractor, subcontractor, supplier, business entity, user, etc.) access to the database (Column 4, Lines 11-33; Column 5, Lines 47-52);
- vendor submitting (entering, inputting, providing, uploading, sending, etc.) project information electronically (Column 5, Lines 46-54); and
- vendor determining that funding approval for the project has been secured (i.e. the project's funding has been approved) by accessing the project documents (e.g. receipt of AIA G702 – certificate of payment; Figures 2A-2B).

Casto does not expressly teach the routing of a funding approval (application and certification for payment) through an approval hierarchy or series of approvers/reviewers as claimed.

Schuyler et al. teach a system and method for routing requests for authorizations (RFAs) for approval (e.g. approval for funding, expenses, applications, work assignments, etc.) wherein the approval process is defined as a workflow wherein requests for approvals are routed based on an approval process (workflow) that enables the funding approval to be routed to a series of approvers/reviewers (i.e. successive one of the entities upon approval by a previous entity) and/or a hierarchy of approvers (Column 1, Lines 28-32 and 55-68; Column 2, Lines 6-36; Column 3, Lines 59-68; Figures 2A-2B).

Schuyler et al. further teaches that the system and method for managing requests for approvals stores a plurality of documents associated with each request in a

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database (Column 5, Lines 6-62; Figure 1), provides user automatic notification (forwarding) of request for approval and approval status information (Column 8, Lines 45-48) and enables users to access approval information over a computer network (Column 7, Lines 38-42).

It would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its automation of the receipt, review, approval and payment for completed work, as taught by Casto would have benefited from enhancing its certification/funding approval process by utilizing the ability to automatically route funding approvals (e.g. AIA G702/703) through a plurality of approvers/reviewers based on a plurality of rules (series of approvers, organizational hierarchy etc.) in view of the teachings of Schuyler et al.; the resultant system providing a substantially automated and robust funding approval process (Schuyler et al.: Column 1, Lines 40-45).

Regarding Claim 103, claim 103 recites similar limitations to Claims 68-70, 74-75, 80, 87 and 94 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 68-70, 74-75, 80, 87 and 94.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Burns et al., U.S. Patent No. 5,189,606, teach a system and method for financial management of a construction project.

- Wood, Mark, U.S. Patent No. 5,381,332, teaches a project management system and method wherein project task and financial (budgetary) information are utilized to insure the success of the project. Wood further teaches that the project management system provides secure access to project information (e.g. approved

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project baselines), calculates the cost of work performed and earned value as well as provides an approval process for changes to the project's documentation (baselines).

- Krause, Gary, U.S. Patent No. 5,950, teaches a project management system and method for the construction industry wherein projects are associated with a plurality of documents (contracts, bid forms, specifications, etc.) stored in a secure (password protected) database and accessed, searched and entered electronically via a computer.

- Lungren et al., U.S. Patent No. 6,092,050, teach a project management system and method wherein the system stores a plurality of project information (collection of documents; work plan details, budgets, financial data, expenses, etc.), tracks change orders and manages quotes.

- Wright et al., U.S. Patent No. 6,581,040, teach a method and system for construction project management wherein the system manages a plurality of project information/documentation (proposals, bids, specifications, request for assistances, etc.) in a database and communications between the plurality of entities involved in the construction project(s).

- Marchman, David A., Construction Scheduling with Primavera: Project Planner, teaches the commercial availability of a construction project management system and method named Primavera. Marchman further teaches the construction project management system and method's ability to calculate/store a plurality of project information including but not limited to costs, resources and schedules.

- Ritz, George, Total Construction Project Management, teach a plurality of old and well known construction management methods, techniques, tools, processes and

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the like including but not limited to contract management, project planning and cost control. Ritz further teaches the availability of computer construction management systems and methods.

- Harris, Paul E., Planning Using Primavera Project Planner P3 Ver 3.0, teaches a commercially available project management system and method and specifically the system's use for construction projects.

- Civitello, Andrew, Construction Operations Manual of Policies and Procedures, teaches a plurality of old and very well know construction method, tools, techniques, procedures and polices for such items as project document collections, contracts, funds analysis, scheduling and the like.

- Bechtel Construction Operations Incorporated Standardizes on Primavera's Expedition Contract Management Software, teach the commercial availability and public use of Primavera's Expedition 6.3 product in the construction industry. The article further teaches that the Expedition product provides a plurality of project administration and contract management tools that enable businesses to store, manage, track and control a plurality of project information/documents as well as provides for change management and document reviews. The article further teaches the availability of a companion product, Expedition Express, which delivers secure web-based access to project information.

- Primavera and PurchasePro.com to Create E-Commerce Marketplace for Construction Industry, teach the launch of an online construction project management system and method (primecontract.com) that is powered by AEC connect,

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PurchasePro's bid, purchase/contract and payment system, as well as Primavera's Project Planner for the Enterprise and Expedition systems. The article further teaches that the Primecontract.com system will enable construction entities/projects to route RFPs/RFQs (requests for assistance) to approved contractors (vendors) who can electronically bid on the project.

- Primavera.com web pages, teaches the commercial availability of a suite of project management systems and methods including but not limited to Primavera's Expedition 6.3 establishes a database over a network of a plurality of project information/documents (e.g. contracts), enables project participants (e.g. project managers) to track changes, costs, funding, reviews and approvals as well as applications and certifications (approvals) for payment procedures.

Primavera.com further teaches that the Expedition system has been a leading project management system for the construction industry for over a decade and that the system provides invoicing based on contracts and/or purchase orders as well as links to well known ERP and accounting systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
6/27/2005



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